

## Chapter 1421. General Site Standards.

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### § 1421-01. Accessory Residential Structures.

Structures ancillary to a principal structure are considered accessory structures. This section establishes regulations for residential accessory structures. All accessory structures must be located, developed and operated in compliance with the following:

- (a) **Location.** Accessory structures, other than fences and walls, flagpoles, lamp posts, arbors, trellis, etc. are not permitted in a front yard or a side yard.
- (b) **Minimum Distance from Principal Structure:** One foot. Accessory structures, other than fences and walls, within one foot of the principal structure are considered part of the principal structure.
- (c) **Maximum Size:** 800 square feet for all structures other than fences and walls.
- (d) **Maximum Number of Accessory Buildings:** Two.
- (e) **Maximum Height:** 15 feet.
- (f) **Setbacks.** A minimum three-foot rear yard setback and three-foot side yard setback is required. The setback for garage doors facing an alley is 20 feet from the alley centerline in order to provide an adequate turning radius.

### **§ 1421-03. Accessory Nonresidential Structures.**

Structures ancillary to a principal structure are considered accessory structures. This Section establishes regulations for nonresidential accessory structures. All accessory structures must be located, developed, and operated in compliance with the following:

- (a) **Location.** Accessory structures, other than fences and walls, are not permitted in a front yard or a side yard.
- (b) **Minimum Distance from Principal Structure:** One foot. Accessory structures, other than fences and walls, within one foot of the principal structure are considered part of the principal structure.
- (c) **Building Height and Bulk.** Accessory structures are subject to the standards of the district within which the principal structure is located unless an exception to height limits is provided by § 1421-19.

### **§ 1421-05. Accessory Structures on Corner Lots.**

This section establishes setback regulations for accessory structures located on a corner lot in a residential district. A setback from the side street line of the corner lot must be maintained as follows:

- (a) **Within 25 feet of the Side lot Line.** When the accessory building is erected within 25 feet of the side lot line of a lot adjacent to the corner lot that is located on the side street, the setback must be equal to the established front yard for such adjacent lot, but need not exceed 40 feet.
- (b) **More Than 25 feet of the Side lot Line.** When the accessory building is erected more than 25 feet from the side lot line of such adjacent lot, the setback must be one-half the front yard required for a principal building on the corner lot.
- (c) **Narrow Corner Lots.** When the corner lot is narrow and the regulations of (a) and (b) of this section would cause an accessory building of impracticable shape and size, the accessory building may be erected within 25 feet of the interior side lot line and must be set back not less than five feet from the side street lot line.

## § 1421-07. Building Projections into Yards.

The standards for building projections into setback areas are prescribed in Schedule 1421-07 below.

### Schedule 1421-07: Maximum Projections Allowed Into Yards (Feet)

Physical Element	Front Yard	Side Yard	Rear Yard
Cornices, sills, belt courses, eaves and other ornamental features	2.5	2.5	2.5
Fire escapes	4.5	4.5	4.5
Uncovered stairways and necessary landings not extending above building entrance floor	4.5	4.5	4.5
Bay windows, fireplaces and chimneys of less than 1/3 the length of the building wall	3.0	3.0	3.0
Terraces and uncovered porches not more than three feet above the floor level of the ground story	2.5	2.5	2.5
Porte-cocheres and canopies	2.5	2.5	2.5
Balconies into yards of less than 20 feet in SF or RM Districts in aggregate less than 1/3 the length of the building wall	3	3	3
Balconies into yards of more than 20 feet in SF or RM districts in aggregate less than 1/3 the length of the building wall	6	6	6
In all other districts other than residential, balconies no closer to any lot line than 20 feet or 1/3 of the required yard space at the top story, whichever is less	8	8	8
Air conditioners, compressors and similar noise emitting devices in districts other than residential	--	--	Anywhere <sup>1</sup>
Power generating equipment	--	--	Anywhere <sup>1</sup>
Handicap ramps, excluding handrails, not extending above the floor level of the ground story	Anywhere	Anywhere	Anywhere <sup>1</sup>

<sup>1</sup>Except within required buffer yard.

## § 1421-09. Lot Area for Lots of Record.

In any SF or RM District a single-family dwelling may be erected on a lot less than the minimum lot area specified for the district provided that:

- (a) The lot has been of record as defined in § 1401-01-L15; and
- (b) The structure complies with all yard and height regulations of the district or as may be modified by § 1421-19 through § 1421-25; and
- (c) The area of the lot is no less than:
  - (1) SF-20 District: 16,000 square feet
  - (2) SF-10 District: 8,000 square feet
  - (3) SF-6 District: 4,800 square feet

- (4) SF-4 District: 3,200 square feet
- (5) SF-2 District: 1,600 square feet
- (6) All RM Districts - minimum lot area is equal to the lot area per dwelling unit requirement of the district.

**§ 1421-11. Lot Area Reductions Due to Public Acquisition.**

If a portion of a legally existing lot in any district is acquired for public use, the remaining lot area, setbacks and density are considered in compliance.

**§ 1421-13. Lot Area of Panhandle Lots.**

No more than ten percent of the land area used to determine compliance with the lot area regulation of the district may be in the panhandle.

**§ 1421-15. Reduced Lot Area Per Dwelling Unit for Structured Parking.**

Where part or all of the parking spaces required for a multi-family dwelling are provided within the principal building or within a parking structure attached to the principal building, the minimum lot area per dwelling unit specified for the district may be reduced by a maximum of 20 percent, using the following formula:

A/B times 20 percent, where

A equals the number of parking spaces provided within the principal building or attached parking structure, and

B equals the number of parking spaces required for the multi-family dwelling.

**§ 1421-17. Increased Floor Area Ratio for Structured Parking.**

In the OL, OG and IR Districts where part or all of the parking spaces required for OL, OG and IR uses are provided within the principal building or within a parking structure attached to the principal building, the maximum floor area ratio specified for the OL, OG and IR Districts may be increased by a maximum of 20 percent using the following formula:

A/B times 20 percent, where

A equals the number of parking spaces provided within the principal building or attached parking structure, and

B equals the number of parking spaces required for the OL, OG or IR uses.

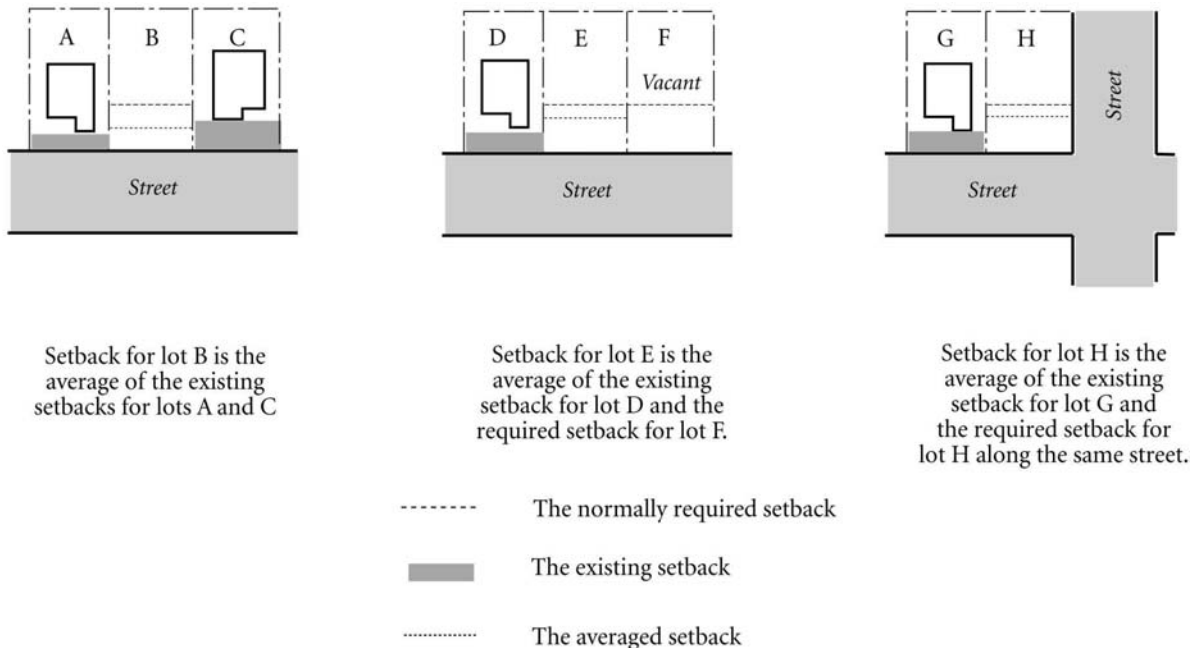
## **§ 1421-19. Exceptions to Height Limits.**

Height limits do not apply to farm buildings and structures, spires, belfries, cupolas, domes, false mansards, monuments, water towers, fire and hose towers, transmission towers, windmills, chimneys, smoke stacks, flag poles, radio and television towers, masts, aerials, parabolic satellite receivers, microwave transmitters and receivers used in connection with radio and television broadcasting, unless subject to specific regulations by other provisions of the Cincinnati Zoning Code.

## **§ 1421-21. Front Yard Modifications.**

The front yard requirements specified for principal buildings may be modified subject to the following:

- (a) **Required Front Yard.** Principal buildings must have a front yard that:
  - (1) If abutted on both sides by the improved lots whose front yards do not conform with the district regulations, equals the average depth of those abutting front yards; or
  - (2) If abutted on one side by an unimproved lot or a side street of a corner lot and on the other side by an improved lot whose front yard does not conform to the district regulations, equals the average of the depth of the front yard of the improved lot and the front yard setback requirement of the district.



**FIGURE 1421-21** Front Yard Averaging

- (b) **Double Frontage Lots.** Where a lot extends through the block from street to street, the required front yard must be provided along each street.

**Increased Front Yard.** In addition to the front yard requirements set forth for the SF, RM and O Districts and after adjusted by other provisions of this section, the required front yard must be increased by one foot for each ten feet or fraction thereof by which the width of the building exceeds 60 feet.

## § 1421-23. Side Yard Modifications.

The side yard requirements specified for principal buildings are subject to the following:

- (a) **Side Yard of a Corner Lot.** A corner side yard along the side street of a corner lot in a residential district, which adjoins in the rear, either directly or across an alley, the side lot line of another lot in a residential district must provide a width of no less than one-half the required front yard for the principal building on the corner lot.
- (b) **Irregular Side Yards.** Where the side lot line is irregular or where the side lot line is not parallel to the building line, the average side yard width must conform to the side yard requirements, provided the point of least width is no less than five feet wide or the point of least width is no less than one-half the side yard requirement, whichever is greater.
- (c) **Increased Side Yards.** In addition to the side yard requirements set forth for the SF, RM and O Districts and after adjusted by other provisions of

this section, the required side yard is increased by one foot for each ten feet by which the depth of the building exceeds 60 feet.

- (d) **Side Yards of Sub-minimum Lots.** On lots of record, as defined in § 1401-03-L7, that do not comply with the minimum lot widths specified in the SF and RM Districts, the side yard requirements may be reduced from the district regulations by one and one-half inches for every foot such lot is less than the minimum lot width. The sum of the least widths of both side yards may be reduced by three inches for every foot such lot is less than the minimum lot width. In no case may a side yard be reduced to less than three feet.

## **§ 1421-25. Rear Yard Modifications.**

The rear yard requirements specified for principal buildings may be modified subject to the following:

- (a) **Irregular Rear Yard.** In the case of an irregularly or triangularly shaped lot, the average depth of the rear yard may be used to determine whether the rear yard requirements are satisfied. In no case may any rear yard so averaged be less than ten feet or one-half the required minimum rear yard depth at any point, whichever is greater.
- (b) **Required Rear Yard.** Principal buildings must have a rear yard that:
  - (1) If abutted on both sides by improved lots whose rear yards do not conform to the district regulations, equals the average depth of those abutting rear yards; or
  - (2) If abutted on one side by an unimproved lot or a side street of a corner lot and on the other side by an improved lot whose rear yard does not conform to the district regulations, equals the average of the depth of the rear yard of the improved lot and the rear yard setback requirement of the district.

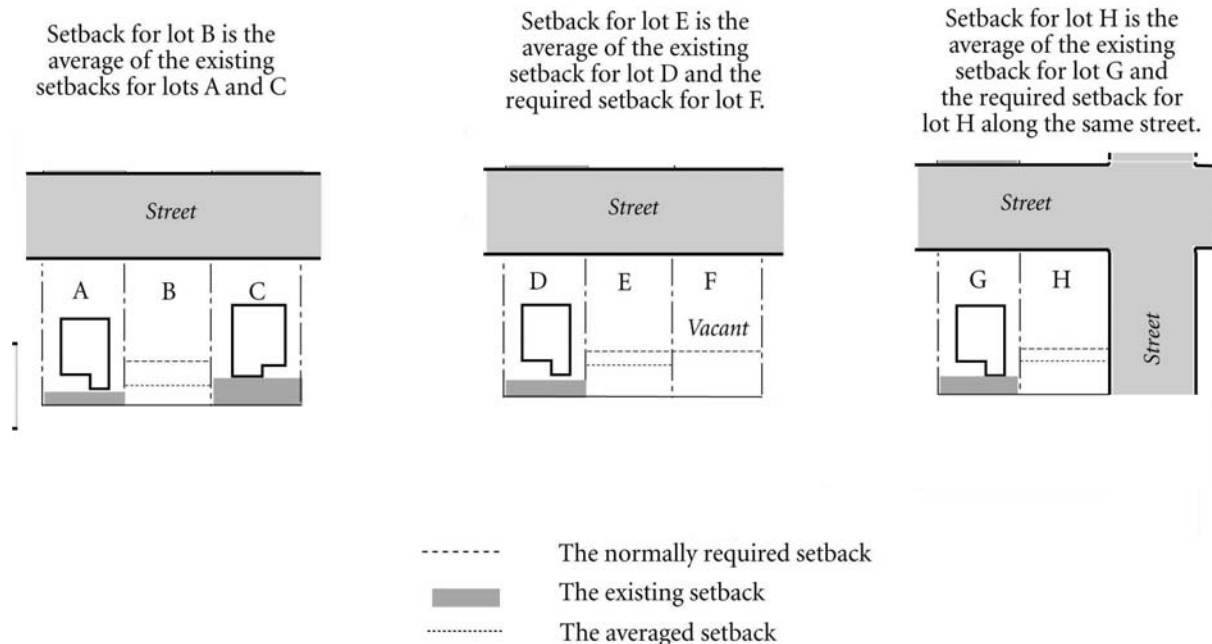


FIGURE 1421-25 Rear Yard Averaging

- (c) **Rear Yards Adjacent to Alleys.** In computing the dimension of a required rear yard adjoining a public alley, one-half of such alley may be assumed to be a portion of the yard, except that in no case may any building or accessory structure other than fences and walls be erected closer than five feet to any such alley.

## § 1421-27. Yard Reductions.

Where it is desired to enlarge the floor area, enclose a porch, add a porch or other uninhabitable space or change roof lines involving a building erected after the effective date of this code, and the yard space would be insufficient to meet the required yards, the Director of Buildings and Inspections may reduce the required rear and side yard requirements as set forth in the district provided that:

- Additional floor area within the least enclosing cube formed by the top roof line and outer walls may be increased without limitations.
- Additional floor area and other uninhabitable space may extend beyond the least enclosing cube, but it may not be in excess of 12 percent of the existing floor area. Further, the additional building coverage may not exceed 12 percent of the ground area covered by the building. Such additions may not be used to enlarge either the original cube area or floor base for calculation purposes for additional additions.
- The number of dwelling units in the building is not increased as a result of such additional floor area.



## **§ 1421-29. Reduction of Area.**

A lot may not be reduced in area by conveyance of a portion thereof to make the lot area or setbacks of the lot less than the minimum requirements prescribed, provided that such requirements may not be construed to prevent the sale of an individual unit of a multiple-dwelling building.

## **§ 1421-31. Use of Land Restricted.**

Land used to meet the setback, parking, density or other open space requirements of the Cincinnati Zoning Code for a building or group of buildings may not be used to meet the setback, parking, density or other open space requirements for any other building or group of buildings.

Provided, however, where the land used to meet the requirements of the Cincinnati Zoning Code for a building or group of buildings consists of more than one recorded parcel of land, or a part of a parcel of land, the owner must execute on behalf of himself, his successors or assigns in the ownership of the land, or part thereof, a written instrument in a form acceptable to the City Solicitor covenanting that the requirements of this section will be met prior to the issuance of a building permit for the construction of a building on such land. See § 1441-07.

## **§ 1421-33. Fences and Walls.**

All fences and walls must comply with the provisions of this section, any other applicable provisions of the Cincinnati Zoning Code, and any applicable provisions of the Municipal Code.

- (a) **General.** Fences and walls are permitted in all zoning districts and may be required for specific uses, as provided in Chapter 1419, Additional Development Regulations, or as buffering between certain uses, as provided in Chapter 1423, Landscaping and Buffer Yards.
- (b) **Maximum Height.** In any front or corner side yard the maximum height of any fence or wall may not exceed four feet in SF and RM Districts and six feet in all other districts and may not exceed an opacity of 50 percent. In any interior side or rear yard, the maximum height may not exceed six feet and may be 100 percent opaque.
- (c) **Entry Gateway.** An entry gateway, trellis or other entry structure may be permitted in the required front yard provided the maximum height and width do not exceed ten feet.
- (d) **Fences With Retaining Walls.** A combination wall or fence on top of a retaining wall may be erected. The retaining wall portion may be erected up to a level of the higher finished grade. The fence or wall portion must comply with the requirement of subsection (b) above.

- (e) **Driveway Visibility.** All fences are subject to the driveway visibility requirements of § 1425-37.
- (f) **Electrical Fences and Razor Wire.** Electrical, barbed and razor wire fences are prohibited in SF, RM, O, DD and IR Districts and are an accessory conditional use in C, M and RF Districts.
- (g) **Decks and Railings.** Within the limits of a rear yard in a residential district, decks and railings for above ground swimming pools may be up to eight feet above grade and located at least three feet from all property lines.

## **§ 1421-35. Refuse Storage Areas.**

The purpose of these regulations is to ensure the provision of adequate, accessible and convenient locations for the collection and storage of recyclable materials and refuse within containers and enclosures that are compatible with surrounding land uses and structures.

Refuse and recycling containers required for all residential and non-residential developments by Chapter 729, Waste Disposal, of the Municipal Code must comply with the following:

- (a) **Access.** Driveways and aisles must be unobstructed.
- (b) **Enclosure.** All refuse collections and recycling containers must be enclosed or screened so as not to be visible from the right-of-way or other publicly accessible areas. The structure must be enclosed on all sides, one of which includes a gate or door that can be secured.
- (c) **Location.** The enclosures may not be located in any required front yard, street side yard, required parking or landscape areas or any other area required by law to be maintained.
- (d) **Enclosure Materials.** The enclosure may consist of screen fencing of chain link with slats, solid wood, vinyl fencing or masonry walls.
- (e) **Height.** A minimum of one foot taller than the container and no taller than eight feet.
- (f) **Landscaping.** The exterior perimeter of the enclosure must be landscaped excluding the access point.
- (g) **Maintenance.** Enclosures must be maintained in a manner that protects adjacent properties as well as tenants located on the subject property from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests. The receptacle must be covered by either a roof on the enclosure or covered receptacles.

- (h) **Hours of Operation.** The use of refuse storage areas is prohibited between 11 PM and 7 AM on weekends and between 10 PM and 7 AM on weekdays if located within 50 feet of residential district boundaries.



**FIGURE 1421-35** Examples of Refuse Storage Areas – Note: They are missing the required landscaping

## **§ 1421-37. Composting Facilities.**

Composting, other than private residential composting, must be of materials generated on-site. Further:

- (a) **Amount of Material.** A maximum of ten cubic yards of material may be composted for every acre or fraction of an acre of the site.
- (b) **Screening.** The composting material must be enclosed in a screen fence or structure.
- (c) **Enclosure Location.** Material composting must be at least 100 feet from any property used for residential purposes. Composting may only take place outside the 100-year floodplain.

### **§ 1421-39. Exterior Lighting.**

All exterior light sources on private property, including canopy, perimeter, and flood, must be energy-efficient, stationary and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. The maximum height may not exceed 20 feet above grade.

### **§ 1421-41. Off-Site Development Rights.**

Rights to develop dwelling units or floor area may be transferred from other lots under common ownership. The conditions applicable to the density calculations are as follows:

- (a) The area included for computing the number of dwelling units or floor area permissible on a building site lot may include a separate lot or lots under the same ownership, provided that:
  - (1) The lot from which the development rights are being transferred does not have any structures.
  - (2) The lot from which the development rights are being transferred abuts the same street or alley on which the building site lot is located.
  - (3) The maximum distance between the building site lot and the nearest point on the lot from which the development rights are being transferred is 60 feet, and the maximum distance between the building site lot and farthest point on the lot from which the development rights are being transferred is 250 feet.
- (b) When one or more lots are to be included in the computation of dwelling units to be erected on a lot as in Paragraph (a) above, the owner must prepare and record a covenant in a form acceptable to the City Solicitor that the land may not be occupied by any structure for dwelling purposes and may not be used to meet the density requirements of the Cincinnati Zoning Code for any other building or group of buildings. See § 1441-07.
- (c) The lot from which the development rights are being transferred may be used for parking and recreation facilities as permitted by other provisions of the Cincinnati Zoning Code.

**§ 1421-43.                    Rooming Unit Requirements.**

A rooming unit within a rooming house is subject to the following:

- (a)    A rooming unit may be occupied by only one person if the unit is less than 100 square feet in floor area and by no more than two persons if larger than 100 square feet in floor area.
- (b)    For purposes of calculating the permitted rooming unit density, each rooming unit is equal to one-half the lot area per dwelling unit requirement of the district in which the rooming house is located.